

Exhibit D

FILED

FEB 28 2007

THOMAS R. FALLOUIS
SPOKANE COUNTY CLERK

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SPOKANE**

AIMEY MERIE VIGUE, a single person;
ROBERT SCOTT VIGUE and KAY
VIGUE, husband and wife,

Plaintiffs,

vs.

EDWARD NORMAN DAVIS and
CHERYLE RUSTAD, husband and wife and
marital community thereof;
WATCHTOWER BIBLE AND TRACT
SOCIETY OF NEW YORK, INC.; WATCH
TOWER BIBLE AND TRACT SOCIETY
OF PENNSYLVANIA; CHRISTIAN
CONGREGATION OF JEHOVAH'S
WITNESSES; OPPORTUNITY
CONGREGATION OF JEHOVAH'S
WITNESSES,

Defendants.

No. 04-2-02451-4

**DECLARATION OF GARY N.
BREAU**

I, Gary N. Breau, am over 18 years of age, make this Declaration based on
personal knowledge, and am competent to testify herein.

1. I have served as an elder since 1972.

DECLARATION OF GARY N.
BREAU - 1

*PAINE, HAMBLIN, COFFIN, BROOKE & MILLER LLP
717 WEST SPRAGUE AVENUE, SUITE 1200
SPOKANE, WA 99201 PHONE: (509) 455-6000*

1 2. I have been a voting member of Watch Tower Bible and Tract Society of
2 Pennsylvania since January 21, 2002. As a voting member, I attend all annual meetings of the
3 corporation and am involved in all corporate decisions made by the voting members.

4 3. Watch Tower Bible and Tract Society of Pennsylvania was incorporated in the
5 State of Pennsylvania in 1884. It has its principal place of business at 25 Columbia Heights,
6 Brooklyn, New York.

7 4. Watch Tower Bible and Tract Society of Pennsylvania ("Watch Tower" is two
8 words) is a separate corporate entity from Watchtower Bible and Tract Society of New York,
9 Inc. ("Watchtower" is one word).

10 5. Watch Tower Bible and Tract Society of Pennsylvania ("WT-PA") has always
11 maintained its own separate corporate records and observed all corporate formalities, and it
12 has never had a parent or any subsidiary corporations, wholly-owned or otherwise.

13 6. WT-PA holds the copyright to publications of Jehovah's Witnesses, makes
14 funds donated worldwide available to local congregations of Jehovah's Witnesses to assist in
15 the construction of Kingdom Halls (places of worship), and provides assistance to local
16 congregations in obtaining insurance coverage.

17 7. WT-PA has never exercised control over the personnel, accounting,
18 management functions, or operational activities of any other corporation or entity.

19 8. Since 1994, I have also served in the capacity of an elder in the Service
20 Department at the U.S. Branch Offices of Jehovah's Witnesses in Patterson, New York. I
21 provide spiritual assistance to elders in the United States who call or write to the Service
22 Department for spiritual help. Prior to March 2001, the spiritual assistance provided by the
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27 DECLARATION OF GARY N.
BREAUX - 2

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1 Service Department, along with the appointment of elders, was communicated to all
2 congregations of Jehovah's Witnesses through Watchtower Bible and Tract Society of New
3 York, Inc. ("WT-NY"). Since March 16, 2001, this communication, oversight, and control is
4 communicated through Christian Congregation of Jehovah's Witnesses ("CCJW").
5

6 9. CCJW was incorporated on August 21, 2000. I am also a voting member of
7 CCJW and have served in that capacity since October 5, 2000. I can attest to the fact that
8 since March 16, 2001, all spiritual assistance, oversight, appointment, and control of the
9 congregations, including all elders of Jehovah's Witnesses in the United States, has been
10 communicated by the Service Department through CCJW.

11 10. Since at least the 1960's, WT-PA has not been used to communicate spiritual
12 assistance, supervision, or advice to any congregation of Jehovah's Witnesses in the United
13 States.
14

15 11. WT-PA has never appointed or supervised any elders in the Opportunity
16 Congregation in Spokane, Washington. It has never appointed or supervised defendant
17 Edward Davis as an elder in the Opportunity Congregation in Spokane, Washington.

18 12. WT-PA has never been used to communicate spiritual supervision or direction
19 to any of the plaintiffs in the Opportunity Congregation, Spokane, Washington.
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21 13. Prior to October of 2002, WT-PA had no knowledge of any propensities of
22 defendant Edward Davis or that he might pose a danger to minors.
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27 DECLARATION OF GARY N.
BREAUX - 3

PAINE, HAMBLIN, COFFIN, BROOKE & MILLER LLP
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1 I declare under penalty of perjury under the laws of the State of Washington that the
2 foregoing is true and correct upon my knowledge, information, and belief.

3 DATED this 3 day of October, 2006.

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5 GARY N. BREAU

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27 DECLARATION OF GARY N.
28 BREAU - 4

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SPOKANE, WASHINGTON 99201-3505 PHONE (509) 455-6000

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 28th day of February, 2007, I caused to be served a true and correct copy of the foregoing document to the following:

David M. Miller
MILLER & PROTHERO
868 Paulsen Building
421 W. Riverside Avenue
Spokane, WA 99201

☐ U.S. MAIL
☒ HAND DELIVERED
☐ OVERNIGHT MAIL
☐ TELECOPY (FAX)

Attorneys for PLAINTIFFS

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Attorneys for DEFENDANT EDWARD
DAVIS

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Attorneys for DEFENDANT CHERYLE
RUSTAD



Donald G. Stone
Gerald Kobluk

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DECLARATION OF GARY N.
BREAUX - 4

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